

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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ZBA 2012-08

Petition of Shani Kumarasena  
30 Yarmouth Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 5, 2012, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of SHANI KUMARASENA requesting renewal of a Special Permit pursuant to the provisions of Section II A 8 (h) and Section XXV of the Zoning Bylaw to allow her to use a portion of her premises at 30 YARMOUTH ROAD, in a Single Residence District, for the purpose of a home occupation, namely, Pediatrician's Office for up to two patients per week, from 7:00 a.m. to 9:00 p.m., Mondays through Sundays. There are no nonresident employees and all parking is on the premises.

On December 19, 2011 the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Shani Kumarasena, (the "Petitioner") who said that the request was to renew the Special Permit for a home occupation that would allow her to see a couple of patients at her residence. She said that she has been coming before the Board every couple of years. She asked if the permit could be extended for a longer period at a time.

The Board said that the bylaw will allow the Special Permit to be granted for up to three years.

Ms. Kumarasena said that conditions have not changed.

The Board questioned the necessity of having hours on Sunday, given the number of hours from Monday through Saturday. Ms. Kumarasena said that the request was for convenience.

The Board said that the Petitioner had stated at the first Public Hearing that the purpose of the home occupation was for an emergency situation where child care was an issue and the patient needed to be seen. Ms. Kumarasena said that provided flexibility. The Board said that it was predicted that the service would only be needed on a limited basis. The Board said that it limited the Special Permit to two patients a week. The Board said that it had no objection to continuing that flexibility.

There was no one present at the Public Hearing who wished to speak to the petition.

### Statement of Facts

The subject property is located at 30 Yarmouth Road, in a Single Residence District. The Petitioner is requesting renewal of a Special Permit to allow her to continue to use a portion of her premises for the conduct of a home occupation, namely, Pediatrician's Office, for up to 2 patients per week, from 7:00 a.m. to 9:00 p.m., Mondays through Sundays throughout the year. There are no nonresident employees and all parking is on the premises.

On January 4, 2012, the Planning Board reviewed the petition and recommended that the Board take no action.

### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. It is the opinion of this Authority that the Petitioner's request for a Special Permit for a home occupation at her premises at 30 Yarmouth Road is in compliance with the requirements of Section II A 8 (h) and that the requested home occupation will not disturb nor disrupt the customary character of the neighborhood.

Therefore, the Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, subject to the following conditions:

1. The number of patients shall not exceed two per week.
2. This Special Permit shall expire three years from the date time-stamped on this decision.

APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

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J. Randolph Becker, Acting Chairman

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Robert W. Levy

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David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
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